

Scholarship Repository

University of Minnesota Law School

Articles

Faculty Scholarship

2018

The Summit for Civil Rights: Mission, Structure, and Initial Outcomes

Myron Orfield

University of Minnesota Law School, orfield@umn.edu

William Stancil

Follow this and additional works at: https://scholarship.law.umn.edu/faculty_articles



Part of the [Law Commons](#)

Recommended Citation

191

This Article is brought to you for free and open access by the University of Minnesota Law School. It has been accepted for inclusion in the Faculty Scholarship collection by an authorized administrator of the Scholarship Repository. For more information, please contact lenzx009@umn.edu.

The Summit for Civil Rights: Mission, Structure, and Initial Outcomes

Myron Orfield[†]
William Stancil^{††}

Introduction

The *Summit for Civil Rights* began with a simple premise. In decades past, Americans built a powerful and transformative Civil Rights Movement. Although that movement won historic victories, many of the problems it sought to address—racial segregation, economic inequality, and a persistent lack of opportunity in many communities—have remained, or even worsened, while the movement itself has eroded.

Decades later, the United States still needs a renewed civil rights movement. But, in a changed nation, where is this movement going to come from? The movement of the past relied on places, problems, and political coalitions that are greatly weakened today or no longer exist. Could new sources of organizing strength be uncovered? And, if so, how?

The initial convening of the *Summit for Civil Rights* took place on November 9th and 10th, 2017, and was directed at these questions. The following Article discusses the mission, structure, and outcomes of the Summit. Part I briefly discusses the ongoing struggle for civil rights in the United States. Part II summarizes changes to the American urban landscape since the conclusion of past movements—changes with important consequences for civil rights organizing and strategy. Part III describes the Summit's initial convening. Finally, Part IV lays out the Summit's three-pronged strategy for building a revitalized civil rights movement and shares the preliminary results of the initial convening. Although the Summit is still in the early stages of its mission, it has already produced new alliances, new connections, and new energy.

[†]. Myron Orfield is the Earl. R. Larson Professor of Law at the University of Minnesota Law School and the Director of the Institute on Metropolitan Opportunity.

^{††}. Will Stancil is a Research Fellow at the Institute on Metropolitan Opportunity.

I. The Problem

Civil rights in the United States are at a crossroads. It has been more than five decades since activists forged a national movement for equal opportunity in education, housing, and employment. That movement forced state and federal governments alike to commit themselves to producing a more equal society that better served all its members. A half-century of political, economic, and social change has eroded that movement.

In the absence of a strong, independent coalition for civil rights, there has been a retreat. Schools have resegregated and the nation's strongest protections against housing segregation and discrimination have lain dormant, rarely used.¹ The legal assurances of the 1960s have been diminished, and their spirit often forgotten by the courts that enforce them.² Finally, after a 2016 presidential election that roiled the nation, the future of many American communities has been cast into doubt, with the nation's political leadership more directly questioning values like diversity, inclusion, and integration than at any time since the 1960s. This declining commitment to civil rights continues to produce corrosive effects that touch every sphere of civil society.

Tens of millions of Americans now live in diverse suburban cities, thriving communities where the dual promises of prosperity and equal opportunity have been made manifest.³ Without basic civil rights protections, these places are endangered by the same demographic vise that transformed the nation's biggest cities in the twentieth century.⁴ Poverty and segregation are increasing rapidly in these suburbs, destabilizing them economically and destroying their ability to effectively serve residents.⁵ Acting alone, they have no ability to remedy or arrest this process—their most affluent residents are being poached away by further-flung suburbs with higher-performing schools.⁶

1. See, e.g., Gregory Squires, *Fair Housing Yesterday, Today, and Tomorrow*, in *THE FIGHT FOR FAIR HOUSING: CAUSES, CONSEQUENCES, AND FUTURE IMPLICATIONS OF THE FAIR HOUSING ACT 1* (Gregory Squires ed., 2017).

2. See, e.g., Myron Orfield, Milliken, Meredith, and *Metropolitan Segregation*, 62 U.C.L.A. L. REV. 364 (2015) (discussing Supreme Court school integration decisions and their impact).

3. Myron Orfield & Thomas Luce, *America's Racially Diverse Suburbs: Opportunities and Challenges* 6–7 (2012), https://scholarship.law.umn.edu/imo_studies/57/.

4. *Id.*

5. *Id.* at 2.

6. Studies have long found that a major component of White flight is families with children seeking new schools. See, e.g., Ann Owens, *Inequality in Children's Contexts: Income Segregation of Households with and Without Children*, 81 AM. SOC.

In education, stubborn racial achievement gaps have led to a never-ending atmosphere of crisis and, in turn, a succession of disruptive schemes to radically revamp teaching and schools.⁷ The new federal administration, with its aggressive embrace of vouchers, private choice, and charter schools, threatens to send this process into overdrive.⁸ Students and educators are forced to watch as the United States' proud tradition of universal public education unravels.

For many working Americans, economic opportunity is locked away behind suburban gates. Where there are decent jobs, housing is simply too expensive, kept at an arm's length by exclusionary policies designed to keep affordable housing development at a minimum.⁹

Black Americans in particular are suffering. Poverty and segregation have helped produce a cycle of police violence and protest that has weighed heavy on Black communities. Black business ownership has declined.¹⁰ The economic and social advancement promised by the Civil Rights Acts and school desegregation looks more distant with every passing year.

Events have conspired to highlight these problems of poverty and segregation in the public and political consciousness once again. During the Obama presidency, heightened awareness was driven by renewed (and controversial) efforts for racial justice, such as by the Black Lives Matter movement. The Trump presidency has been no less defined by racial conflict and questioning, although those questions have taken on a different tenor. Trump and his followers have often seemed intent on rebuilding an earlier version

REV. 549 (2016) (finding that local school options contribute to higher segregation).

7. The longest-running and broadest repository of achievement gap data is the National Assessment of Educational Progress. See SCHOOL COMPOSITION AND THE BLACK-WHITE ACHIEVEMENT GAP, NAT'L CTR. FOR EDUC. STATISTICS (June 2015), https://nces.ed.gov/nationsreportcard/subject/studies/pdf/school_composition_and_the_bw_achievement_gap_2015.pdf. For a history of repetitive and ill-fated interventions into K-12 education, see DANA GOLDSTEIN, *THE TEACHER WARS: A HISTORY OF AMERICA'S MOST EMBATTLED PROFESSION* (2014).

8. See, e.g., Moriah Balingit, Danielle Douglas-Gabriel & Valerie Strauss, *DeVos Seeks Cuts from Education Department to Support School Choice*, WASH. POST (Feb. 13, 2018), https://www.washingtonpost.com/news/education/wp/2018/02/12/devos-seeks-massive-cuts-from-education-department-to-support-school-choice/?noredirect=on&utm_term=.ed03c39a3eb5.

9. This idea, known in some forms as the spatial mismatch hypothesis, has been consistently found to be a cause of low earnings and employment among some groups, such as Black Americans. See, e.g., John F. Kain, *The Spatial Mismatch Hypothesis: Three Decades Later*, 3 HOUSING POL'Y DEBATE 371 (2010).

10. Brian S. Feldman, *The Decline of Black Business*, WASH. MONTHLY (Spring 2017), <https://washingtonmonthly.com/magazine/marchaprilmay-2017/the-decline-of-black-business/>.

of the United States: a pre-civil rights vision, in which many of the protections created and expanded in the twentieth century are reduced or stripped away, permanently.¹¹ If they succeed, the problems of the present day may never be resolved.

II. A Changed Nation

The United States that produced the 1960s Civil Rights Movement is gone forever. Nonetheless, there is no reason to believe that the country has lost its grassroots energy for a fairer, more functional society. That energy, though, is at risk of being overlooked because it is found in different places than in previous generations. The key to reinvigorating the civil rights agenda is to seek out energy for change in the places it dwells today.

Finding that energy is made difficult by the many misconceptions that Americans have about their country. Even as the second decade of the twenty-first century winds to a close, many depictions of the United States are stuck in the 1970s. There is an unfortunate tendency to mentally divide the country's metropolitan areas—where more than eighty percent of the population lives—into two rough halves. The first half is the city. The city, in this telling, is diverse (or heavily non-White); it is poor; it is dense; it is declining. The other half consists of the suburbs. The suburbs are thought to be homogenously White; they are affluent; they are low-density; they are growing.

This schema—city and suburb—tends to dominate discussions of American coalition politics, particularly when race is involved. Issues and topics associated with racial minorities, such as civil rights and racial segregation, are discussed as if they are primarily urban concerns; meanwhile, the suburban United States is assumed to be insulated from such considerations.¹²

This vision is no longer adequate. These once-clear geographic and racial boundaries have blurred beyond all recognition, and the political assumptions that accompanied those boundaries have begun to collapse.

11. See, e.g., Ta-Nehisi Coates, *The First White President*, ATLANTIC MONTHLY (Oct. 2017), <https://www.theatlantic.com/magazine/archive/2017/10/the-first-white-president-ta-nehisi-coates/537909/>.

12. There are many manifestations of this assumption in the public dialogue, including the oft-voiced assumption that affordable housing “belongs” in cities. See, e.g., Michael Hoban, *Many Suburbs Dodging Issue of Affordable Housing*, URBAN LAND (May 31, 2016), <https://urbanland.uli.org/development-business/many-u-s-suburbs-dodging-issue-affordable-housing-construction>; see also Betsy McCaughey, *The Mad War to House the Poor in US Suburbs*, N.Y. POST (June 17, 2015), <https://nypost.com/2015/06/17/the-mad-war-to-house-the-poor-in-rich-suburbs/>.

Families of color are suburbanizing. By 2010, a majority of people in each major non-White racial category in the United States lived in a suburb, not in a central city.¹³ Simultaneously, a large plurality of American suburbs have become racially diverse.¹⁴ The predominantly White suburbs or exurbs that loom large in the popular imagination now account for a minority of the nation's metropolitan population.¹⁵ In 2010, such communities made up only twenty-eight percent of residents in the United States' fifty largest regions.¹⁶ Indeed, they made up only about thirty-nine percent of the suburban population in those regions.¹⁷

Outside of the minority of predominantly White suburbs, the remainder of metropolitan communities are racially diverse—or non-White segregated.¹⁸ These places, accounting for a large majority of the metropolitan population, vary tremendously in size, density, wealth, and rate of growth.¹⁹ But when it comes to core civil rights issues, they share many of the same underlying problems and concerns as the central cities envisioned under the now-outdated city-suburb schema: the aforementioned school and neighborhood segregation, economic stagnation, and racially-polarized politics. Virtually all of these places suffer from high or increasing poverty rates; virtually all have reduced tax bases compared to predominantly White communities.²⁰ Diverse and segregated places also tend to contain a disproportionate share of working-class families.²¹

In short, the United States' large central cities would no longer be the primary focus of a movement for civil rights. Instead, to be effective, any such coalition must include those cities' diverse suburbs as equal partners. Indeed, a coalition that included both

13. These major non-White racial categories are Black, Asian, and Latino. Alan Berube, *Segregation, Suburbs, and the Future of Fair Housing*, N.Y.U. FURMAN CTR. (Sept. 2016), <http://furmancenter.org/research/iri/essay/segregation-suburbs-and-the-future-of-fair-housing>.

14. Racially-diverse suburbs account for forty-four percent of the suburban population, while predominantly White suburbs and exurbs only account for thirty-nine percent. The remainder are non-White-segregated suburbs. Myron Orfield & Will Stancil, *Fair Housing and Stable Suburban Integration*, in *THE FIGHT FOR FAIR HOUSING: CAUSES, CONSEQUENCES, AND FUTURE IMPLICATIONS OF THE 1968 FEDERAL FAIR HOUSING ACT* 228, 230 (Gregory D. Squires ed., 2017).

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.* at 230–31.

20. *Id.* at 231.

21. *Id.*

the central cities and the diverse suburbs could fairly be said to represent the interests of an outright majority of the nation's population.

To form this coalition, it is important to dispel the myth that the nation's diverse communities face problems in isolation. Leaders and organizations working in these communities would benefit from learning that their problems are not unique, but shared by similar places across the country—places that could serve as natural political allies, and, acting in unison, as a potentially powerful force for change. Thus, a core goal of any renewed civil rights movement must be bridge-building: both demonstrating the ways in which challenges faced by many different American constituencies are related to foundational civil rights concerns and developing national strategies to reduce these shared obstacles through coordinated action rooted in the nation's modern-day metropolitan geography. By finding these rarely acknowledged common interests, advocates can disrupt the old political assumption that cities are inevitably pitted against their own suburbs.

III. The Summit

The goal of the *Summit for Civil Rights* is to take the first steps of transforming the historic coalition for civil rights into a new, modern, and multiracial political alliance. It seeks to accomplish this by harnessing the untapped and overlooked political power found in the United States' new metropolitan geography—building a movement for the country as it is, not as it was.

The Summit was designed from the ground up with a practical focus. Its agenda was aimed not at academics or scholars, but at political and civic figures from metropolitan areas across the nation. The Summit's agenda was tailored toward several specific groups, groups that had proven themselves invaluable allies in earlier iterations of the civil rights movement. They included the following:

A. *Political Leaders of Diverse Communities*

Such places—now predominantly suburbs—are living proof that integrated places can survive and prosper. But they also feel the brunt of many of the fundamental civil rights problems, such as segregation or economic inequality, that persist to this day. Their exposure to both the benefits and challenges of integration makes them natural allies in a renewed civil rights movement.

In the modern United States, diverse suburbs are also often bipartisan, evenly divided swing jurisdictions whose votes regularly

decide control of both state and federal government.²² As a result, they have a political cachet that extends beyond their raw numbers.

B. Labor Leaders

Labor has embraced the United States' diverse future, with integrated service unions producing dynamic leaders dedicated to reinforcing the United States' promises to workers. But labor faces the same headwinds that are testing civil rights activists. The waning commitment to equal opportunity has contributed to the atomization of American society and given strength to political forces seeking to break up unions and privatize public education and housing. The social and economic costs of increasing segregation have also placed terrible strains on working Americans, who are frequently blamed for problems created by forces they cannot control. And in many states, labor's strongholds are the same diverse, working-class suburbs that stand to gain the most from a civil rights renaissance.

C. Representatives of the Progressive Faith Community

It is not a coincidence that the United States' strongest civil rights leaders have been those who could make a moral case for equality and opportunity. In an era where issues like school segregation are too often discussed in the dry language of public policy, it is imperative that any civil rights coalition reclaim the moral authority and urgency of figures like Rabbi Joshua Heschel, Father Theodore Hesburgh, and, of course, Dr. Martin Luther King, Jr.

D. Civil Rights Groups and Organizations

No civil rights coalition could exclude established civil rights bodies like the United States Commission on Civil Rights, or storied institutions like the NAACP. The institutional knowledge, firsthand experience, and moral clarity these groups offer have been instrumental in winning countless victories in the past.

E. The First Convening of the Summit

With these categories of groups as the target participants, the first convening of the *Summit for Civil Rights* was held at the University of Minnesota Law School on November 9th and 10th, 2017.

22. *Id.* at 230.

Ultimately, the Summit received organizational and financial support from an even more diverse range of individuals and institutions than initially planned, all with their own unique stake in the Summit's vision of a renewed civil rights movement. Funding was provided by the Kresge Foundation. The agenda and program were prepared through the collaboration of *Law & Inequality: A Journal of Theory and Practice*, the University of Minnesota Law School, the Law School's Institute on Metropolitan Opportunity, and a civil rights nonprofit, Building One America.

A great deal of support was also received from the labor movement. Contributors included the United Auto Workers, Education Minnesota, the United Steel Workers, Teamsters Local 237, the United Food and Commercial Workers Local 1189, and the Minneapolis Regional Labor Federation. The National Fair Housing Alliance also supported the Summit.

Summit participants hailed from an even wider range of organizations. These included the United States Civil Rights Commission, the NAACP, the American Federation of Teachers, the Progressive National Baptist Convention, and the Coalition of Black Trade Unionists. A number of attendees were elected local officials, particularly representing suburban municipalities in politically pivotal states, including New York, Pennsylvania, Michigan, and Minnesota.

Several national elected officials with strong civil rights presences also took part. These included Congressman James E. Clyburn and Congressman Keith Ellison. Finally, former Vice President Walter Mondale, author of the Fair Housing Act, was involved in the planning from the very inception of the Summit and took a critical role in the event itself.

Major topics discussed at the Summit included the opportunities and challenges in the United States' racially diverse suburbs, the resegregation of schools, the interaction of housing and school segregation, and recent developments in fair housing law. Participants highlighted the real, practical, day-to-day harms of increasing segregation and discrimination. Several sessions included discussions on how to build functional local coalitions centered around shared civil rights concerns.

However, the overarching goal of the Summit was to contribute to the building of a new national movement by identifying places, institutions, and sources of political and organizing power that could plausibly give root to new and reinvigorated efforts to solve core civil rights problems. With that in mind, the initial convening concluded with the launching of three

collaborative reform projects composed of activists, government officials, and scholars.

IV. The Committees

Each of the three committees formed at the Summit's initial convening is intended to provide planning and strategy within a specific action area. The action areas are litigation, legislation, and organizing.

At the Summit itself, the committees were not expected to complete their full plans. Instead, each committee discussed a set of charges that would act as guiding principles for the development of the committee's full plan. Those charges are to be used later by the committee leadership to construct a full plan, which will be reviewed by the committee as a whole, and finally, adopted by the entire Summit as part of a single steering document.

A. Litigation Committee

The purpose of the Litigation Committee is to identify the most promising topics and locations for legal actions that advance civil rights objectives. The Committee is charged with "collectively chart[ing] a judicial and legal strategy to promote an economically fair and racially integrated nation."²³

There is a notable historical precedent for a long-term, successful civil rights litigation strategy. In the first half of the twentieth century, state-sponsored segregation seemed nearly unsurmountable. But in 1929, the Garland Foundation provided a grant of \$100,000 to the NAACP to commission a rights-building strategy in courts and legislatures, with the ultimate aim of overturning *Plessy v. Ferguson*.²⁴ Its first product was a 218-page strategy memorandum drafted principally by New York lawyer Nathan Margold, titled the Margold Report.²⁵ The Margold Report laid out a series of court challenges that would force the states to come to terms with the implications of the "separate but equal" approach sanctioned by the *Plessy* decision.²⁶

Rather than attacking *Plessy* head-on in a single high-stakes court battle, the NAACP's plan was to chip away at the edifice of

23. Litigation Committee, Summit for Civil Rights, *Litigation Committee Charge*, 36 LAW & INEQ. 283, 283 (2018).

24. 163 U.S. 537 (1896). See generally MARK V. TUSHNET, THE NAACP'S LEGAL STRATEGY AGAINST SEGREGATED EDUCATION, 1925-1950 (1987) (discussing allocation and use of the grant from the Garland Fund).

25. Tushnet, *supra* note 24, at 26.

26. *Id.* at 26-28.

segregation in a series of more limited decisions. By gradually eroding the underlying principles of “separate but equal,” the NAACP sought to render the core concept legally unsustainable. In other words, the goal was to take incremental steps toward a transformative idea—that separate is inherently unequal—and, eventually, advance close enough toward that idea that its adoption became all but inevitable.

The victories started small but grew in importance, culminating in the United States Supreme Court’s decision in *Brown v. Board of Education*.²⁷ Almost two-and-a-half decades passed between the creation of Margold’s strategy and its final vindication in *Brown*—a testament to the dedication and methodical advocacy of segregation’s opponents.

Brown did indeed transform United States society, but that transformation was incomplete. The legal consensus against segregation, built over several decades, eventually eroded. Critics and skeptics of *Brown* and integration, such as President Richard Nixon and Chief Justice William Rehnquist, found ways to insert important caveats and limitations into the legal doctrines governing desegregation.²⁸

The purpose of the Litigation Committee is, in essence, to continue this work by producing a next-generation Margold memo, aimed at expanding the meaning of equal protection in the age of the metropolitan United States.

The final set of instructions adopted by the Litigation Committee contained the following guidelines for further planning:

We charge this committee with developing a strategy to pursue the following:

1. The protection and expansion of constitutional and statutory civil rights in the areas of housing and education, and employment, including the right to collectively organize;
2. The expansion and enhancement of equal protection and due process guarantees essential to the elimination of segregation, including rights guaranteeing an adequate education, fair and affordable housing, regional general welfare guarantees, and any other legal principle whose enforcement would reduce racial segregation and the inequality it produces;
3. The establishment of legal interrelatedness of otherwise separate governmental entities within a

27. 347 U.S. 483 (1954).

28. See, e.g., Orfield, *supra* note 2, at 384–386.

metropolitan area, such that certain obligations must be shared fairly between them;

4. The protection of the right to organize and collectively bargain;

5. The prohibition of privatization of public services, where such privatization is likely to increase segregation, result in or exacerbate the unequal and discriminatory provision of public services, and undermine a living wage.

Models for these strategies can be found in litigation undertaken pursuant to the Civil Rights Acts of 1964, 1965, and 1968; in school desegregation and school finance lawsuits pursuant to state constitutional educational guarantees; and in regional general welfare litigation and other litigation that establishes the constitutional interdependence of local governments within a metropolitan area, as embodied by landmark jurisprudence such as the *Mount Laurel* decision in New Jersey.²⁹

The Litigation Committee’s full plan will be developed in accordance with these instructions.

B. Legislative Committee

The purpose of the Legislative Committee is to find ways to strengthen communities, municipalities, and regions through the development of viable legislation. The Committee was charged with “develop[ing] guiding principles, designat[ing] policy goals, and ultimately produc[ing] draft legislation to eliminate racial segregation, and create and cultivate communities of equal opportunity.”³⁰

Today, eight out of every ten Americans live in large metropolitan areas fragmented among dozens of municipalities and dozens—or potentially hundreds—of independent school districts.³¹ The result is a web of competing governments and funding systems, where wealthy jurisdictions can offload fundamental civil rights problems to their neighbors.

The tensions between local and regional government have manifested in United States politics since the founding. Moving

29. Litigation Committee, Summit for Civil Rights, *Litigation Committee Charge*, 36 LAW & INEQ. 283, 283–84 (2018).

30. Legislation Committee, Summit for Civil Rights, *Legislation Committee Charge*, 36 LAW & INEQ. 285, 285 (2018).

31. According to the United States Census, 19.3% of the population lived in a non-metropolitan, rural area in 2016. *New Census Data Show Differences Between Urban and Rural Populations*, CENSUS BUREAU (Dec. 8, 2016), <https://www.census.gov/newsroom/press-releases/2016/cb16-210.html>. For an overview of metropolitan fragmentation, see DAVID RUSK, *CITIES WITHOUT SUBURBS: A CENSUS 2010 PERSPECTIVE* (4th ed. 2013).

forward, the challenge is to create a system of politics and local government law that preserves some role for self-government in small local governments, while at the same time gaining the real benefits of careful regional management and oversight. In a sense, United States metropolitan regions resemble the inchoate state established by the Articles of Confederation: voluntary regional councils of government, with sharply limited authority over subjects such as transportation planning or air quality management, unable to stymie destructive rivalries among smaller units. Regions must move towards a "more perfect metropolitan union" that strikes a better balance between local government independence and interdependence.

This requires a legislative strategy. Only the legislature can intelligently design a new structure of local government in metropolitan United States, using tools like consolidation, two-tiered regional governance, and stronger legal requirements for inter-local municipal cooperation on regional problems. Problems such as segregation, local government finance and taxation, infrastructure—particularly transportation, and environmental protection cannot be solved piecemeal, with individual cities acting alone.

Toward this end, the final set of charges for the Legislative Committee gave it the following instructions:

We charge this committee with developing legislation with the following aims:

1. The production of more accountable regional governing bodies, to plan and manage regional infrastructure, and ameliorate destructive conflicts between communities over land use, taxation, development, and affordable housing, which produces segregated living patterns;
2. The creation and expansion of labor protections so that diverse communities can grow and remain prosperous, including a strengthened right to organize collectively, increased minimum wages, and expanded use of community benefit agreements;
3. The codification of fair housing principles into federal, state, and local law, including integrative fair share rules and resident protections, such as restraints on income discrimination;
4. The development of policies and requirements to prevent resegregation of the educational system, including metropolitan integration strategies and the provision of sufficient educational resources to all schools, regardless of location or composition; and

5. The reduction of barriers to integration or economic prosperity caused by the inability of local units of government to expand, annex or be annexed, or dissolve themselves, as best befits the economic or practical circumstances of their residents and the surrounding region.

Underlying this legislation must be the principle that no local entity, acting alone, can solve collective and systemic issues such as racial segregation. The committee's challenge is to design laws that preserve the true virtues of local government, while at the same time realizing the real benefits of Madison's diverse, interdependent republic. The committee recognizes the necessity of producing practical legislation capable of receiving support from a substantial and diverse collection of voters, legislators, and elected officials, as, without such support, the accomplishment of any legislative policy program is impossible.³²

C. Organizing Committee

The purpose of the Organizing Committee is to locate sources of political organizing strength within the nation's diverse communities and develop long-term strategies to mobilize those communities toward civil rights goals. In doing so, the Committee is to rely on preexisting entities and organizations, especially those with a proven historical role in remedying racial and economic injustice.

In the historic Civil Rights Movement, the moral leadership of faith leaders and civil rights organizations was joined to the organizing power of labor, through the efforts of union leaders like A. Philip Randolph and Bayard Rustin.³³ Labor unions, particularly Black labor unions, financed, peopled, and supported the early civil rights movement.³⁴

This connection is frequently forgotten today. It was through these joint organizing efforts that the famous 1963 March on Washington was made possible—indeed, the March was more properly titled the March for Jobs and Freedom.³⁵ It served as a capstone for a long movement joining economic and civil rights, and among its demands were jobs programs and minimum wage increases.³⁶ Labor unions, including the United Auto Workers,

32. Legislation Committee, Summit for Civil Rights, *Legislation Committee Charge*, 36 LAW & INEQ. 285, 285–86 (2018).

33. See WILLIAM P. JONES, THE MARCH ON WASHINGTON 121–61 (2013) (describing the work of union leaders in the Civil Rights Movement).

34. *Id.*

35. *Id.* at ix.

36. *Id.* at ix–xxi.

helped lead the March and were behind much of the ground-level organizing. At the March itself, Martin Luther King, Jr. shared the podium with Randolph.

Later in his life, King returned to the idea of linking civil and labor rights, resulting in the Poor People's Campaign, his last major initiative.³⁷

In today's political rhetoric, "economic anxiety" is rarely cited as a driving force behind social justice movements; it is more often discussed as a force driving support for reactionary politics.³⁸ But equal rights and racial justice cannot advance if the economic conditions of the working class are seen as an obstacle to civil rights. The principles of civil rights must be united with the principles of support for working Americans of every race, color, and class.

In practice, labor unions regularly confront fundamental civil rights issues. Today, segregation moves hand-in-glove with the privatization of education through charter schools, institutions that have declared themselves post-racial and exempt from civil rights and labor laws.³⁹ Private industry and profiteers have created a powerful, extractive business model, creating and maintaining segregated neighborhoods, where jobs are scarce and workers have little power.⁴⁰ Residential segregation has resulted in the segregation of the workplace itself—once one of the most integrated spheres of American life—and in the process, has begun to impose on the labor movement many of the challenges of racial division.⁴¹

37. See Martin Luther King, Jr., *The Black Power Defined* (1967), reprinted in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 303, 305 (James Melvin Washington ed. 1986) ("In the days to come, organized labor will increase its importance in the destinies of Negroes.").

38. See, e.g., Ben Casselman, *Stop Saying Trump's Win Had Nothing to Do with Economics*, FIVETHIRTYEIGHT.COM (JAN. 9, 2017, 5:00 AM), <https://fivethirtyeight.com/features/stop-saying-trumps-win-had-nothing-to-do-with-economics/> (assessing whether Trump's win was related to economic anxiety).

39. For instance, both labor unions and the NAACP have found themselves in conflict with charter schools because of how the schools erode equal public education for communities of color. See NAACP, *Statement Regarding the NAACP's Resolution on a Moratorium on Charter Schools*, NAACP (Oct. 15, 2016), <http://www.naacp.org/latest/statement-regarding-naacps-resolution-moratorium-charter-schools>; see also Nat'l Educ. Ass'n, *Charter Schools*, NAT'L EDUC. ASS'N, <http://www.nea.org/home/16332.htm> (last visited Mar. 2, 2018).

40. See, e.g., Myron Orfield & Will Stancil, *Why Are the Twin Cities So Segregated?*, 43 MITCHELL HAMLINE L. REV. 1, 21–36 (2017) (detailing the parallel growth of a "poverty housing industry" and "poverty education complex" that profited off segregated conditions in Twin Cities neighborhoods).

41. ALGERNON AUSTIN, DARRICK HAMILTON & WILLIAM DARITY, JR., *WHITER JOBS, HIGHER WAGES*, ECON. POLICY INST., BRIEFING PAPER #288, at 1 (Feb. 28, 2011).

Members of religious leadership have also played an undeniable and indispensable role agitating against the worst injustices in American history. This is a multifaith tradition: in addition to his Christianity, Dr. Martin Luther King, Jr. drew on the moral teachings of Judaism and the nonviolent philosophy previously exemplified by Mahatma Gandhi.⁴² From the Southern Christian Leadership Conference to the present day, faith leaders help shape and define the moral imperatives of civil rights. The NAACP's Reverend William Barber II has become an extraordinary figure in American politics, able to speak with clarity and urgency about ongoing injustice, sometimes cited as the heir to King's legacy.⁴³ No movement to reinvigorate American civil rights has thrived without this leadership. Only a strong sense of moral purpose can steel advocates for the lengthy, and at times arduous, process of bending the arc of history toward justice.

Suburbanization has weakened many organizations that advocate for civil rights by spreading their members and adherents more thinly across the metropolitan landscape. Reinvigorating the historic civil rights movement requires reuniting these disparate strands of organizing power. The Summit's Organizing Committee is tasked with finding ways to once again mobilize these historic sources of support for civil rights into a single progressive, multiracial coalition.

Unlike the Litigation and Legislative Committees, the Organizing Committee did not adopt a set of charges at the Summit's initial convening. Instead, the Committee engaged in a wider-ranging—and at times passionate—debate about the appropriate scope of its mission and how to achieve truly representative leadership in a renewed civil rights movement. A key outcome of that discussion was a strong recommendation for the formation of a central Coordinating Committee, to monitor the efforts of all three Committees and ensure they are synchronized and mutually compatible. A second recommendation was to have a more direct focus on the availability of financial resources that could be provided to facilitate civil rights organizing. The Committee highlighted that financing is a critical element of any major political effort.

42. See Martin Luther King, Jr., *My Trip to the Land of Gandhi*, in A TESTAMENT OF HOPE, *supra* note 37, at 23; see also *Conversation with Martin Luther King*, in A TESTAMENT OF HOPE, *supra* note 37, at 657.

43. See Ed Kilgore, *William Barber II and the MLK Legacy of Church-Based Activism*, N.Y. MAGAZINE (Jan. 15, 2018, 8:30 AM), <http://nymag.com/daily/intelligencer/2018/01/william-barber-and-mlks-legacy-of-church-based-activism.html>.

Conclusion

The work of the *Summit for Civil Rights* is just beginning. Many hard choices still need to be made as the full plans of each Committee are drafted and, ultimately, combined into a single guiding document. Even then, the work will be just starting: a plan to build a coalition is not the same as actually building one.

But, like the Margold Report from the 1930s, the Summit hopes to provide something new: a concrete agenda, in support of a clear vision for positive change. The intent of the *Summit for Civil Rights* is to draw a clear, solid line, leading from concrete action steps to the gradual reinforcement of United States' deepest founding values—civil rights, equal opportunity, and equal protection under the law—and, finally, to integration, racial and economic justice, and the renewal of prosperity in cities and suburbs alike, for all families and communities.